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Attorneys for Plaintiffs

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10
11 PETER CASTLEMAN and SLOANE
12 CASTLEMAN, individually and as husband
and wife

13 Plaintiffs,

14 vs.

15 ELLEN CONDREN CROWLEY,

16 Defendant.

Case No.: 3:21-cv-00523-MMD-CLB

PLAINTIFF'S MOTION FOR LEAVE TO
FILE UNDER SEAL

17
18 Plaintiffs seek an order sealing Exhibit 1 to Peter Castleman's Declaration in
19 Support of Motion for Preliminary Injunction and Exhibit 1 to Mr. Brust's Declaration in
20 Support of Motion for Preliminary Injunction. Exhibit 1 to Mr. Castleman's declaration
21 contains numerous emails from Defendant to Mr. Castleman threatening to publish false
22 and salacious stories about Plaintiffs. Exhibit 1 to Mr. Brust's declaration contains an
23 email from Defendant to Mr. Brust and Plaintiffs' other counsel, and contains similar
24 salacious allegations. Preventing publication of the stories contained in the emails is the
25 exact subject and the preliminary injunction, and this entire case in general. Plaintiffs
26 believe that once the Court reviews the emails (which are submitted, but not filed
27 herewith), the Court will recognize the necessity to seal the emails.

28 This motion is based on the points and authorities set forth below, the pleadings

on file in this matter, and any other information/documents the Court wishes to consider.

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiffs recognize the presumption in favor of access to court records. However, because every court has inherent, supervisory power over its own records and files, access may be denied where the court recognizes that court-filed documents may be used for improper purposes, such to gratify public spite or promote public scandal. *Nixon v. Warner Communications, Inc.*, 435 US 589, 598, 98 S.Ct. 1306, 1312; *Hagestad v. Tragesser* 49 F3d 1430; 1433-1434 (9th Cir. 1995).

To limit access to judicial records, a party seeking to seal judicial records must articulate compelling reasons to justify non-disclosure, such as to prevent use of the record to gratify spite, permit public scandal, or release libelous statements. *Kamakana v. City of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). Here, the documents for which Plaintiffs seek protection fall squarely in this category.

Plaintiffs can demonstrate disclosure of Defendant's threatening emails will result in serious injury. Mr. Castleman's business is largely dependent on his reputation. Further, the Castleman's reputations will be irreparably harmed if the false allegations contained in Defendant's threatening emails are publicly exposed. Plaintiffs submit herewith, directly to the Court without filing, what would be Exhibit 1 to Mr. Castleman's declaration and Mr. Brust's declaration. As the Court will see, the allegations and threats contained in the emails are false and salacious. The damage they will cause Plaintiffs is self-evident. Publication of the emails, even through unsealed public filings with this Court, will expose Plaintiffs to significant reputational harm. On the other hand, Defendant will not be harmed in any way by having her threatening emails sealed in this matter.

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1 For the foregoing reasons, Plaintiffs respectfully request leave to file Exhibit 1 to
2 Mr. Castleman's Declaration in Support of Motion for Preliminary Injunction and Exhibit 1
3 to Mr. Brust's Declaration in Support of Motion for Preliminary Injunction under seal.
4

5 **AFFIRMATION**
6 **Pursuant to NRS 239B.030**

7 The undersigned does hereby affirm that this document does not contain the
8 Social Security Number of any person.

9 DATED this 23rd day of March, 2022.

10 ROBISON, SHARP, SULLIVAN & BRUST
11 A Professional Corporation
12 71 Washington Street
13 Reno, Nevada 89503

14 BY: /s/ Clayton P. Brust
15 CLAYTON P. BRUST, ESQ.
16 BRETT W. PILLING, ESQ.
17 *Attorneys for Plaintiffs*
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5, I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused a true copy of the **PLAINTIFF'S MOTION FOR LEAVE TO FILE UNDER SEAL** to be served on all parties to this action by:

 x placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada.

 personal delivery/hand delivery

 x emailing an attached Adobe Acrobat PDF version of the document to the email addresses below/facsimile (fax) and/or E-Filing pursuant to Section IV of the District of Nevada Electronic Filing Procedures

 Federal Express/UPS or other overnight delivery

 Messenger Service

Ellen Condren
124 Bell Tower Court
Chagrin Falls, OH 44022
ellencondren@gmail.com

Dated this 23rd day of March, 2022.

/s/ Isabella Esquerro
Employee of Robison, Sharp, Sullivan & Brust

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